

APPENDIX C

**INDUSTRY RULES GOVERNING INFORMATION-ONLY, ADVICE LETTER,
AND TARIFF FILINGS BY TELECOMMUNICATIONS UTILITIES**

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INDUSTRY RULE 1: GENERAL PROVISIONS

- 1.1 Scope.** The Telecommunications Industry Rules and the General Rules of General Order 96-B, govern all telecommunications utilities (as defined in the Public Utilities [PU] Code), operating in California, in filing advice letters, tariffs, contracts, rules, rates, charges, terms and conditions, compliance filings, and reports regarding telecommunications services. The Industry Rules provide the general form and content for tariff filings with the Commission and making tariffs available to the public; procedures to authorize a utility to deviate from its effective tariffs; and procedures for making and filing advice letters. The Industry Rules also contain requirements for availability of tariff information applicable to utilities that are not required to file tariffs.
- 1.2 Effect.** The Industry Rules apply to all telecommunications utilities operating in California, whether beginning service before or after the effective date of the Industry Rules. The Industry Rules do not require the refiling of any tariff sheet filed before their effective date to comply with their format requirements. The Telecommunications Division at any time may direct a utility to make revisions to its tariffs to bring them into compliance with the Industry Rules.

INDUSTRY RULE 2: DEFINITIONS AND ACRONYMS

All definitions contained in General Rule 3 are incorporated in the Industry Rules. Unless required by context or otherwise specified in these Industry Rules, “utility” means a telecommunications utility, “rule” or “Industry Rule” means a Telecommunications Industry Rule, and use of the singular includes the plural. Additional definitions are provided below:

- 2.1 Basic Exchange Service.** A minimum level of telecommunications service each carrier offering residential local exchange service is required to provide, as defined in the Universal Service Proceeding, R.95-01-020, and which includes, as defined in Section 3(16) of the 1934 Telecommunications Act (47 USCA 153), the offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services. Basic Exchange Service is sometimes referred to as basic service.
- 2.2 CLC.** A competitive local carrier, certificated by the Commission.
- 2.3 CMRS.** A Commercial Mobile Radio Service provider, also know as a “wireless” carrier, excluding “one-way paging” services as defined in PU Code Section 234(b)(2).
- 2.4 COLR.** A carrier of last resort, which has specific universal service responsibilities, as specified by the Commission.
- 2.5 Carrier Class.** A reference to type of authority that may be granted to a carrier, i.e., CLC, IEC, ILEC, or CMRS, and any other class that may be established by the Commission.
- 2.6 Category I, II and III Services.** Commission designations for NRF-LEC services, identifying the degree of flexibility provided the utility in the pricing and offering of

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services and reflecting the degree of competition and market concentration in the provision of these services, as defined in the New Regulatory Framework Proceeding, I.87-11-033, or other appropriate Commission proceedings.

- 2.7 Commission.** The California Public Utilities Commission.
- 2.8 Compliance Filing.** A document that a utility, pursuant to statute or Commission order, submits to the Telecommunications Division, for the purpose of documenting the utility's compliance with the statute or order.
- 2.9 Dominant Carrier.** Any ILEC, which includes NRF-LECs and GRC-LECs.
- 2.10 Effective Date.** The date on which the rates, charges, rules, and classifications stated in tariff sheets, or other changes requested by advice letter, first become effective. The earliest possible effective date is designated for each tier. See Industry Rule 7. Unless otherwise ordered or authorized, rates, charges, terms and conditions apply to service rendered on and after the effective date. Effective dates will be noted in the Daily Calendar.
- 2.11 Exceptions.** A specific deviation from the Industry Rules that has been approved by the Commission.
- 2.12 Filed Date.** The business day a document is received by 5:00 p.m., by the Telecommunications PAL Coordinator.
- 2.13 Filer.** A utility filing an advice letter.
- 2.14 Government Contract.** A contract by a telecommunications utility to provide telecommunications services to a government agency under conditions that differ from tariffed rates and charges.
- 2.15 GRC-LEC.** An ILEC subject to Commission general rate case regulation and Commission Rate Case Plan, which involves periodic review of utility costs and services and the establishment of utility rates and charges.
- 2.16 Grandfathering.** The continued availability of a service to customers who were receiving that service on a specific date even though the service is not available to other customers after that date. The date as of which the service ceases to be offered to other customers is called the "grandfathered" date.
- 2.17 IEC.** An interexchange carrier certificated (or registered) by the Commission.
- 2.18 ILEC.** An incumbent local exchange carrier which includes NRF-LECs and GRC-LECs.
- 2.19 Me-too Contract.** Contracts that expressly incorporate the rates contained in another contract.
- 2.20 Modified Contract.** An existing, effective contract for which modifications have been made, and agreed to, by the contracting parties.

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- 2.21 Multiple Carrier Class Authority.** Authority to operate as both an ILEC and as a CLC, CMRS or IEC, or any combination thereof.
- 2.22 New Services.** Service offerings whose combination of technology, access, features, or functions distinguish them from any existing service offerings.
- 2.23 Non-dominant Carrier.** All IECs, CLCs and CMRSs, i.e., all utilities other than dominant carriers.
- 2.24 NRF-LEC.** An ILEC subject to the Commission's New Regulatory Framework, as adopted in D.89-10-031, and modified in D.94-09-065 and subsequent decisions.
- 2.25 Promotional Offering.** A limited, one-time service offering which deviates from existing tariff offerings.
- 2.26 Schedule.** A statement of the applicability, territory, rates, charges, terms and conditions relevant to a particular service or services.
- 2.27 Staff.** The Commission's Executive Director, the Director of the Telecommunications Division, and Commission employees they may delegate to act in their stead.
- 2.28 Tariff Book.** A telecommunications utility's entire set of tariffs, consisting of one or more volumes.
- 2.29 Tariff Sheet.** An individual page of the tariffs.
- 2.30 Telecommunications PAL Coordinator.** The person in Telecommunications Division who receives and stamps "received" upon filings, located at Telecommunications Division, 3rd floor, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.
- 2.31 Telecommunications Utility.** A telephone corporation as defined in PU Code Section 234.
- 2.32 Tier.** A set of procedures for noticing, protesting, and approving or rejecting a specified type of advice letter. See Industry Rule 7.
- 2.33 Wholesale Services.** Services which a carrier offers under a "wholesale" tariff for resale.
- 2.34 Withdrawal of Service.** The discontinuance of a service to new and/or existing customers.

INDUSTRY RULE 3: TARIFF REQUIREMENT EXCEPTIONS

- 3.1 Exception Requests.** Requests for an exception from the tariffing requirements of PU Code Sections 454, 489, 491 and 495, shall be filed by application at time of registration. All tariff filing exceptions will be recorded in Industry Rule 3.
- 3.2 Exception A.** CMRS, as classified by the Federal Communications Commission, need not file tariffs with the CPUC. However, CMRS shall keep available schedules showing rates, terms and conditions, per Industry Rule 5.1.C.

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- 3.3 Exception B.** New IECs may register as a non-tariffed IEC and not file tariffs. IECs that have a tariff and wish to de-tariff shall file an advice letter, per Industry Rule 7.2, and shall keep available schedules showing rates, terms and conditions, per Industry Rule 5.1.C.

INDUSTRY RULE 4: TARIFFS

In addition to General Rule 8, the following rules apply:

- 4.1 Carrier Class Schedules.** If a utility has multiple carrier class authority (such as an IEC that is also a CLC, etc.) and elects or is required to file tariffs with respect to any such authority, the utility must file a separate schedule, or schedules, for each carrier class authority for which a tariff is filed. Separate schedules may be maintained within the same tariff book.
- 4.2 Sheet Numbering.** Utilities previously using the sheet numbering system required by GO 96-A may continue to do so, or they may file an advice letter to switch to the preferred sheet numbering system, below.
- A. *Preferred Sheet Numbering System* - (See Exhibit A) Except as provided in (1) above, all utilities shall indicate in the top margin, on the right-hand side of each sheet, the Commission schedule number (Schedule Cal. P.U.C. No._). Below the schedule number shall be indicated the sheet number in that schedule. If a utility has only one schedule, the schedule number may be omitted and the sheet number alone should be indicated. Sheet numbers shall be numbered consecutively in the order they are to be filed in the schedule, with 1 for the first sheet in the schedule. Original sheets shall be so indicated, with revised sheets indicated by the revision number (e.g., 1st Revised Sheet 1, Cancels Original Sheet 1). To provide for expansion of tariff material between existing effective tariff sheets, additional numbers or letters after a period shall be used with each additional tariff sheet (e.g., between sheet 98 and sheet 99, use 98.A, or 98.1. - and further expansion between sheet 98.A or 98.1 and sheet 99, use 98.A.1 or 98.1.1, through infinity.).
- B. *General Order 96-A Sheet Numbering System* - (See Exhibit B) In the top margin on the right hand side, each sheet shall show the Commission sheet number (Cal. P.U.C. Sheet No.), with designations as to whether it is an original or revised sheet, together with the Cal. P.U.C. number of the sheet canceled thereby, if any (e.g., Revised Sheet 600 Canceling Original Sheet 32). Sheets shall be numbered consecutively, in chronological order, beginning with No. 1 for the first sheet filed by a utility. The most recently filed table of contents sheet shall have the highest sheet number. Sheet numbers shall not be used more than once. Each utility may use a T - letter suffix as part of the "Cal. P.U.C. Sheet No." to designate that telecommunications is the service offered.

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4.3 **Content.** In addition to General Rule 8.5, tariffs shall consist of the following:

- A. *Check Sheet* - A list of all effective tariff sheets specifically stating the revision currently in effect (e.g., Rate Schedule G-1 2nd Revised Sheet 3). A check sheet shall be filed with each schedule, except that a check sheet is not required for those using the GO 96-A numbering system. A check sheet is required for each filed tariff book volume.
- B. *Service Area Maps* - Maps may be larger than 8 1/2 x 11 inches when filed separately from the tariff book.
- C. *List of Contracts and Deviations* - NRF-LECs, CLCs, and IECs are not required to include or submit lists of contracts and deviations within their tariff.

4.4 **Fictitious Names.** A utility shall amend its tariff page to reflect any changes to fictitious business names under which it operates.

4.5 **Canceled Tariff Sheets.** All canceled tariff sheets shall be removed from the utility's file of currently effective tariffs. The utility shall maintain canceled tariff sheets in an appropriate records retention system for seven years following date of cancellation.

4.6 **Clarity.** Tariff sheets shall not contain handwritten marks or alterations.

INDUSTRY RULE 5: PUBLIC INSPECTION OF TARIFFS

5.1 **Tariffs Open to Public Inspection.**

- A. Each utility which has filed effective tariffs shall maintain either:
 - 1. Open for public inspection at its main California offices a copy of its complete tariffs, and at its other California offices, tariffs applicable within the territory served by such office; or
 - 2. A searchable electronic copy of its complete tariffs accessible for reading or electronic copying or downloading, free of charge, through the Internet. A utility that chooses this option must provide electronic terminal access, free of charge at its California offices to the public upon request.
- B. Each utility shall provide paper copies or printouts of its tariffs and pending advice letters upon request, and may charge no more than \$0.20 per page for this service.
- C. *Non-Tariff Utilities or Non-Tariffed Services:* Utilities not required to file tariffs shall maintain a complete copy of their rates, charges, terms and conditions available for public inspection and shall make copies or printouts available upon request. All rates, charges, terms and conditions, and revisions to them shall be maintained for a period of seven years.

5.2 **Public Notice.** Each utility shall post in a conspicuous place viewable by a customer in each of its California offices, in each telephone directory in which it has business contact information, and annually in its bills, a notice stating that electronic or paper copies, as the

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case may be, of its schedules of rates, charges, terms and conditions may be inspected by anyone so desiring. The notice shall include information on how the public can view these documents.

INDUSTRY RULE 6: ADVICE LETTER PROCEDURE AND CONTENTS

- 6.1 Requests Appropriate for Advice Letter.** The types of requests that may be submitted by advice letter are indicated under Industry Rule 7.
- 6.2 Where to File.** Each advice letter shall be addressed to; Telecommunications PAL Coordinator, Telecommunications Division, 3rd floor, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA, 94102, unless otherwise ordered.
- 6.3 Number of Copies; Confidential Information.** Filers shall submit four copies of each advice letter and tariff sheet. Staff will stamp the filed date on each advice letter, and the filed and effective date on each tariff sheet. After approval of the advice letter, one complete copy will be returned to the utility, one forwarded to each of the Consumer Services Division offices located in San Francisco and Los Angeles, and one will be retained by the Telecommunications Division. Filers shall provide, upon staff request, a copy of the tariff sheets proposed to be cancelled. Information for which confidential treatment is requested shall be provided in a single, sealed copy under separate cover to the Telecommunications PAL Coordinator.
- 6.4 Advice Letter Summary.** Filers shall complete and submit an advice letter summary for each advice letter. See Exhibit E.
- 6.5 Contents of Advice Letter.** All advice letters shall:
- (a) State the proposed tier;
 - (b) Succinctly state the reason for the filing and the Commission approval, authorization or other relief requested;
 - (c) State any inconsistencies between the advice letter and the Commission decisions relied upon;
 - (d) Identify the groups of entities and persons served with the advice letter;
 - (e) Designate the person at the filing utility to whom protests should be addressed;
 - (f) Reference the relevant Commission decision number which provides authority for the proposed change, if applicable;
 - (g) Include the following statement: “Anyone may protest this advice letter. The protest must set forth the specific grounds on which it is based. (See General Order 96-B, General Rule 7.4, at the Commission’s Internet site at www/cpuc.ca.gov, or order from the address below.) A protest must be made in writing and received by the Telecommunications Division within 20 days of the date this advice letter appears on

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the Commission's Daily Calendar. The address for mailing or delivering a protest is: Telecommunications PAL Coordinator, Telecommunications Division, 3rd floor, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102. On the same date a protest is submitted to the Telecommunications PAL Coordinator, the protestant shall send a copy of the protest by mail to the utility whose filing is being protested, addressed to the person designated in the advice letter to receive protests."

- (h) *Cost Support*: NRF-LECs, for their Category I and II services, and GRC-LECs shall provide cost information sufficient to support a tariff or contract, and cost support may be provided under separate cover as proprietary. GRC-LECs that concur in portions of Pacific Bell's tariffs and participate in the intercompany settlement pool may file cost support using the appropriate Pacific Bell costs for that service;
- (i) If the advice letter includes tariff sheets, list the sheet numbers and titles of all tariff sheets being filed, list the sheet numbers of all tariff sheets being canceled and state the proposed date the tariff sheets are to become effective;
- (j) If the advice letter includes tariff sheets and requests a change in a tariff, include a revised check sheet, unless the GO 96-A numbering system is used. Additionally, indicate change in the tariff per Industry Rule 6.9;
- (k) If the advice letter establishes a new service, explain the general effect of such filing.

6.6 Numbering of Advice Letters. Advice letters should be numbered chronologically, in the order filed, beginning with No. 1, if not previously used.

6.7 Requests to Expedite Advice Letters. Filers may request expedited processing of an advice letter or may request that an advice letter become effective on a date sooner than otherwise authorized for Tier 2 and Tier 3 advice letters. All such requests shall be justified (e.g., extraordinary circumstances to comply with regulatory objectives, related Commission deadlines, etc.; however, business interests will not be sufficient). Staff may approve an expedited effective date for Tier 2 and may expedite the processing of a Tier 3 filing.

6.8 Identifying Changes. In addition to the symbols set forth in General Rule 8.5.3, the following symbols shall be used as appropriate to the right of a vertical line along the right hand margin of the tariff sheet adjacent to any proposed change:

- (P) to signify material pending change through a previous filing; and,
- (X) to signify corrections.

6.9 Electronic Filing. The filing of advice letters electronically shall be permitted when authorized by the Telecommunications Division Director.

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INDUSTRY RULE 7: TIERS FOR ADVICE LETTER REVIEW

By the Industry Rules, the Commission is authorizing utilities to file and staff to approve or reject the types of advice letters listed in Industry Rules 7.1 and 7.2. If disposition of an particular case the advice letter requires the exercise of discretion, the staff shall process the advice letter under Tier 3. If the filer of such advice letter proposed a tier other than Tier 3, the change will be reported in the Daily Calendar, and the filer will be notified by letter. See General Rule 7.6.1.

7.1 Tier 1: Effective No Sooner Than One Day But Pending Disposition

A. Types of advice letters for which Tier 1 review process is applicable:

- (1) All carriers - text changes having no substantive effect.
- (2) All carriers - product name changes.
- (3) All carriers - compliance filings, unless required to be filed in another tier by Commission order. The Commission may order a longer effective date for a Tier 1 advice letter.
- (4) All carriers - ordered surcharge changes.
- (5) All carriers - single company boundary or exchange area realignments with no existing customers affected and there is Commission authority for service being extended.
- (6) Non-dominant carriers - new services.
- (7) Non-dominant carriers - all contracts.
- (8) Non-dominant carriers - changes in rates, charges, terms and conditions of service, and boundary and exchange realignments.
- (9) Non-dominant carriers - withdrawing or grandfathering of services.
- (10) NRF-LECs - promotional offerings may be filed under Tier 1, but are effective upon five days notice.
- (11) NRF-LECs - Category II changes in rates and charges and less restrictive terms and conditions in compliance with the applicable rate cap and floor.
- (12) NRF-LECs - Category III changes in rates, charges, terms and conditions of service, and boundary and exchange realignments.
- (13) NRF-LECs - express, government, and modified contracts, except for modified contracts filed under Section 252 of the Telecommunication Act.
- (14) GRC-LECs - contracts involving services for which the GRC-LEC concurs in Pacific Bell's tariffs, and participates in inter-company settlements, where the rates contained in the GRC-LEC contract are the same as those contained in a Pacific Bell contract.

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B. Effective Date: Effective no sooner than one day following the filed date, but subject to staff rejection within 40 days, and thereafter to notice to correct (see General Rule 8.3), except for government contracts which are effective upon signature and which do not require disposition.

C. Disposition: Staff will approve or reject Tier 1 filings within 40 days after the date filed by notifying the filer and noting the action on the Daily Calendar. If the staff does not act within 40 days, the advice letter is automatically approved and the approval will be reported in the Daily Calendar. Government contracts do not require disposition, but such filings will be noted on the Daily Calendar. See General Rule 7.6.1.

7.2 Tier 2: Effective No Sooner Than 40 Days and Upon Approval

A. Types of advice letters for which the Tier 2 review process is applicable:

- (1) IECs - detariffing.
- (2) Non-dominant carriers - transfer of assets or control. See Industry Rule 10.
- (3) NRF-LECs - price floor changes in compliance with a Commission order authorizing the price floor change.
- (4) NRF-LECs - contracts, except for interconnection agreements.
- (5) All LECs - new services.

B. Effective Date: Tier 2 advice letters are effective no sooner than 40 days following the filed date, and upon staff or automatic approval.

C. Disposition: Staff must approve, reject, or postpone Tier 2 advice letters within 40 days after the date filed, by notifying the filer and noting the disposition on the Daily Calendar. Staff may postpone the effective and disposition date up to 60 days to allow for investigation by notifying the filer and noting the postponement in the Daily Calendar. No further Tier 2 disposition postponements by Commission staff are allowed. If the staff does not act within 40 days, or up to 100 days in the case of a postponement, the advice letter is automatically approved and will be so reported in the Daily Calendar.

The filer shall respond within five business days to staff requests for information (unless staff agrees to a longer period). If staff does not consider the response satisfactory, staff may process the advice letter under Tier 3 by notifying the filer and noting the tier change in the Daily Calendar. The timing requirement for disposition of Tier 3 advice letters (see Industry Rule 7.3C) will start upon the Daily Calendar notice date.

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7.3 Tier 3: Advice Letter Filings Effective Upon Commission Resolution

A. Types of advice letters for which the Tier 3 process is applicable:

- (1) All carriers - negotiated interconnection agreements.
- (2) All carriers: Any other filing not identified or authorized to be filed under Tier 1 or Tier 2 shall be filed under Tier 3, so long as an advice letter process is appropriate under General Rule 5.1.
- (3) All ILECs- boundary or exchange realignments except those approved by the Commission's Executive Director pursuant to Resolution T-9599 (March 29, 1977).
- (4) COLRs - withdrawal or grandfathering of basic exchange or wholesale services if there is at least one carrier remaining in the geographic service area offering equivalent COLR services.
- (5) NRF-LECs - price-cap compliance filings.
- (6) GRC-LECs - rate increases and increased restrictions in terms and conditions, including GRCs themselves, per Industry Rule 12.
- (7) GRC-LECs - high cost fund filings.
- (8) GRC-LECs - all contract filings other than "me-too" contracts.
- (9) GRC-LECs - withdrawal or grandfathering of any service.

B. Disposition: Unless the advice letter is defective on its face, the staff, per General Rule 7.6.1, will prepare a resolution for Commission consideration within 90 days of the filed date, or 150 days in the case of an extension (below). GRC-LEC Tier 3 advice letters will be acted on consistent with the schedule in the Rate Case Plan.

For purposes of investigation, staff may extend the disposition schedule up to 60 days, in which case staff will so notify the filer, and the filer shall respond within five business days to staff requests for information. If the filer does not respond satisfactorily, preparation of the resolution may be further delayed.

7.4 Requests Requiring an Application. The following is a partial list of matters which require a formal proceeding, such as an application, to be filed with the Commission.

- (1) COLRs and NRF-LECs - withdrawal or grandfathering of basic exchange or wholesale services, or any service for which there is not a functionally equivalent service by a competing carrier, or an alternative available to the affected customers.
- (2) NRF-LECs - Category I and unbundled network element or wholesale service changes in rates, charges, terms and conditions
- (3) NRF-LECs - Category II changes in a rate ceiling or floor, or charge ceiling or floor, and terms and conditions.

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- (4) NRF-LECs - re-categorization of services.

INDUSTRY RULE 8: CUSTOMER NOTICES

- 8.1. Customer Notice Procedure.** The customer notice requirement may be satisfied by one or a combination of the following: bill inserts; notices printed on bills; or separate notices sent by first-class mail or e-mail to the customer. See General Rule 4.2.
- 8.2. Non-dominant Carriers.** Non-dominant carrier filers shall give affected customers at least 15 days notice before the effective date of an advice letter resulting in any increase in rates or charges, or more restrictive terms or conditions, than those currently in effect.
- 8.3. Dominant Carriers.** Dominant carrier filers shall give affected customers at least 30 days notice before the effective date of an advice letter resulting in any increase in rates or charges, or more restrictive terms or conditions, than those currently in effect for its Category I and II services, and 15 days notice for its Category III, non-wholesale services.
- 8.4. Notice of Service Withdrawal/Grandfathering.** Affected customers shall be noticed at least 30 days prior to any carrier's withdrawal of any service, in whole or in part.

INDUSTRY RULE 9: WITHDRAWAL OF BASIC EXCHANGE SERVICE

A utility desiring to withdraw from offering basic exchange services within its service territory, in whole or in part, shall seek Commission approval by filing an advice letter or application per Industry Rules 7.1 through 7.4, and shall provide notice to all affected customers, prior to such withdrawal per Industry Rule 8.4. To ensure continuity of service to all affected customers, the filer shall set forth in the advice letter all arrangements made by the filer to maintain service. In the case of a utility that resells an underlying carrier's wholesale services in order to provide its retail basic exchange service offering, the filer shall document arrangements required per Resolution T-16139 (March 26, 1998) to maintain continuity of local exchange service by the underlying carrier or COLR. In the case of a facilities-based provider of basic exchange service, the filer shall document arrangements made to transfer its customers.

INDUSTRY RULE 10: TRANSFER OF ASSETS

Commission approval, pursuant to PU Code Sections 851-854, of the transfer of assets or control of a utility other than an IEC or CLC shall be sought by application submitted by the transferor and transferee. See Rules 35-36 of the Commission's Rules of Practice and Procedure.

Commission approval of the transfer of the assets or control of an IEC or CLC shall be sought by advice letter submitted under Tier 2 by the transferee, if the transferee is a registered or certificated IEC or CLC. The advice letter shall include a financial statement (which may be submitted under seal, if desired) demonstrating sufficient assets to operate through the transaction period. A minimum of 30 days notice to all affected customers, per Industry Rule 8, is required

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prior to any transferring of customers. Such notice shall contain the new carrier identity, description of changes in rates, charges, terms and conditions of service, and a statement that customers have the right to select a new carrier.

If the transferee of IEC or CLC assets or control is not a registered or certificated IEC or CLC, the transferee shall (1) either register as an IEC, using the registration form available at the Commission's Internet site (www.cpuc.ca.gov), or apply for CLC authority per the Commission's Rules of Practice and Procedure, and upon approval (2) submit a Tier 2 advice letter seeking approval of the transfer.

INDUSTRY RULE 11: CONTRACTS

- 11.1 Exceptions to Filing Requirement.** Contracts are not required to be filed when they concern detariffed or nontariffed services, except that contracts pursuant to (1) Section 252 of the Telecommunication Act of 1996, or (2) the processes set forth in D.95-12-056 must be filed per Industry Rule 11.9.
- 11.2 When to File.** Except for government contracts (see Industry Rule 11.8), advice letters submitting contracts per Industry Rules 7.1 to 7.3 shall be submitted to the Telecommunications PAL Coordinator for filing prior to the effective date of the contract. The effective date shall be no earlier than the date both parties have executed the contract, and the advice letter shall be submitted within 15 days after execution of the contract.
- 11.3 Failure to File Timely.** A utility that does not submit a contract by a timely advice letter, or that fails to submit the contract altogether, may be subject to penalty pursuant to PU Code Section 2107 and to such other or additional sanctions as the Commission may impose. Failure to file timely does not, in itself, invalidate a contract.
- 11.4 Required Clause.** All contracts shall contain the following clause: "This contract at all times shall be subject to such modifications as the California Public Utilities Commission may direct from time to time in the exercise of its jurisdiction."
- 11.5 Confidentiality.** To obtain confidential treatment of any part of the advice letter or supporting workpapers, the utility submitting the contract shall: (1) request such treatment, specifying the information to be protected and citing grounds under General Order 66-C to justify such treatment; (2) make the information available to the Telecommunications Division and to any other part of Commission staff that so requests; and (3) make the information available to third parties who have executed a reasonable nondisclosure agreement. To facilitate availability subject to nondisclosure agreement, the utilities shall comply with standing requests to review confidential contract information by third parties who have executed such nondisclosure agreements.
- 11.6 Availability of Service Under Contract.** Except for government contract rates, the rate under a contract then in effect shall be made available to any similarly situated customer that is willing to enter into a contract with the same terms and conditions of service.

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11.7 Express Contracts. Advice letters submitting an express contract must state (1) the contract rate for any Category II or Category III services covered by the contract, and (2) any applicable Commission-approved price floors or caps for such services. Workpapers accompanying such advice letters shall include the NRF-LEC's calculations supporting the contract rates. In addition to the clause required by Industry Rule 11.4, all express contracts shall contain the following clause: "If any rates in this express contract for Category II or Category III services conflict with any applicable Commission-approved price floors or caps for such services, the contract rates shall be null and void, and the express contract may be rescinded or renegotiated."

If the contract rate in an express contract violates any applicable Commission-approved price floor or cap for a Category II or Category III service, or if the provisions of an express contract deviate from the utility's tariff rate or charge for a Category I service, the Commission may invalidate the contract rate or require the contract to be amended to be consistent with the Commission-approved price floor or cap, or with the tariff rate or charge, as appropriate. In addition, the Commission may impose penalties on the utility, including but not limited to a penalty equal to the greater of \$10,000 or twice the difference between the contract revenue and the proper rate or charge, as determined by the Commission. The Commission may impose further sanctions if the Commission finds that the utility is engaging in a pattern of below-cost pricing.

11.8 Government Contracts. Industry Rules 11.2 to 11.7 shall not apply to government contracts. A utility that enters into a government contract shall submit such government contract (other than a government contract for emergency service) to the Telecommunications PAL Coordinator by advice letter within 15 days after execution, although the government contract may provide that it is effective and binding immediately upon execution. The rates and charges in any government contract shall be above the utility's cost of service, and any NRF-LEC must include supporting data in any advice letter submitting such government contract. A utility violating this Industry Rule may be liable to such sanctions as the Commission may impose, including the penalties set forth in D.91-07-010.

11.9 Interconnection Agreements. An agreement for which Commission approval is sought pursuant to Section 252 of the Telecommunications Act of 1996 shall be submitted for filing as a Tier 3 advice letter and processed as provided by Resolution ALJ-174 (June 25, 1997), except that this General Order 96-B supersedes references in the resolution to GO 96-A. An agreement for which Commission approval is sought pursuant to the processes provided by D.95-12-056 shall be subject to the rules for filing, service, protest, and disposition set forth at pages 39 to 42 of that decision.

INDUSTRY RULE 12: GRC-LEC PROCEDURES

A GRC-LEC may request a rate change (including a change to a condition or classification that results in higher or lower rates or charges, or a change that results in more or less service or more or less restrictive conditions at the same rates or charges) by a Tier 3 advice letter or by an

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application. If staff determines that a rate change requested by advice letter requires a hearing, staff will reject the advice letter without prejudice, per General Rule 5.4.

A rate change request shall be supported by adequate justification of the proposed rates, charges, terms and conditions, and shall include tariff sheets showing the proposed changes and proof of customer notice per General Rule 4.2. The customer notice shall contain the following information: the present and proposed rates, charges, terms and conditions; the impact of the proposed change, expressed in dollar and percentage terms; a brief statement of the reasons the change is sought; and the statement shown in Industry Rule 6.5(j) regarding protest procedures.

INDUSTRY RULE 13: TELEPHONE DIRECTORIES

Telecommunications utilities which issue telephone directories shall send to the Telecommunications PAL Coordinator, two copies of each directory issued, at the time of distribution thereof to subscribers and the public. Such directories shall not be listed in tariff book table of contents nor be given Cal. P.U.C. sheet numbers. ILECs and CLCs shall make copies of their directories available to public libraries without charge.

INDUSTRY RULE 14: INFORMATION-ONLY FILINGS

Information-only filings shall be attached to the PAL Summary Sheet (see Exhibit E), and submitted to the Telecommunications PAL Coordinator.

APPENDIX C**Exhibit A**

CONGLOMERATE COMMUNICATIONS (U357C)
Sacramento, California

SCHEDULE CAL. P.U.C. NO. A1.
2ND Revised Sheet 1
Cancels 1st Revised Sheet 1

Competitive Local Carrier

A1. BASIC EXCHANGE ACCESS SERVICE

1.1 GENERAL

1.1.1 APPLICABILITY

Applicable to individual and party line business and residence
basic exchange access service.

1.1.2 TERRITORY

Within the exchange areas in the state of California as said areas are
defined on maps filed as part of the tariff schedules.

1.2 RATES

	Monthly Flat Rate	CSOC	Monthly Measured Rate	CSOC
--	----------------------	------	--------------------------	------

1.2.1 RESIDENCE SERVICE *

Each individual primary line	\$ 9.50 (I) 1FRPL	\$ 4.00 (R)(\$6.00) 1MRPL
---------------------------------	-------------------	---------------------------

* Customers may change from flat rate service to measured rate service or from
measured rate service to flat rate service, once, at no charge, within 90 days from
the effective date of Advice Letter No. 123.

() Zone 1 Usage Measurement allowance.

(continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal.P.U.C.)

Advice No. 123

J.D. Magnum

Date Filed Jan 17 2001

Vice President

Effective Jan 21 2001

Dec. No. D.01-01-011

Regulatory Affairs

Resolution No.

TITLE

APPENDIX C

Exhibit B

ACME TELEPHONE Company (U123C)
Desert Air, California

Revised Cal. P.U.C. Sheet No. 864-T
Canceling Original Cal. P.U.C. Sheet
No. 21-T

Local Exchange Carrier

Schedule No. A1

FLAT RATE EXCHANGE SERVICE

APPLICABILITY

Applicable to individual and party service access line business and residence flat rate services.

TERRITORY

Within the base rate areas, as said areas are defined on maps filed as part of the tariff schedules.

RATES

<u>Wadi and Bitterwater Exchanges</u>	<u>Rate per Month</u>		
	<u>Business Service</u>	<u>Residence Service</u>	
First individual access line	\$ 101.99	\$ 50.99	(I)
Each additional access line	50.99	25.49	(R)

(continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal.P.U.C.)

Advice Letter No. 972Wyl E. CoyoteDate Filed Jan 17 2001Vice PresidentEffective Jan 21 2001Dec. No. D.01-01-010Regulatory Affairs

Resolution No. _____

Title

APPENDIX C

Exhibit C

ACME TELEPHONE COMPANY (U123C) Original Cal. P.U.C. Sheet No. 1-T
Desert Air, California Canceling Cal. P.U.C. Sheet No.

TARIFFS

Applicable To

TELEPHONE SERVICE

including

Rules Affecting Rates and Services
of

ACME TELEPHONE COMPANY
(Name of Utility)

4 Road Runner Road, Post Office Box 2,
Desert Air, CA 91234
(Mailing Address)

Operating In or Near
Mojave County, Calif.
(City or Town and County)

Contact Person: Mr. Wyl E. Coyote
Telephone No.

(Mailing Address if different from above)

The following tariff schedules embracing Rates and Rules have been regularly filed with the Public Utilities Commission of the State of California and are the effective rates and rules of this utility.

No officer, inspector, solicitor, agent or employee of the utility has any authority to waive, alter or amend these tariff schedules or any part thereof in any respect.

(To be inserted by
utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice No. 1

Wyl E. Coyote
Chief Financial

Date Filed Jan 01 1965

Dec. No. D.64-12-001

Officer & Treasurer

Effective Jan 06 1965

Resolution No.

TITLE

APPENDIX C

Exhibit D

Sample Advice Letter Wording

(Letterhead if Available)

Advice Letter No. 973 Acme Telephone Company (U 123 C)
January 31, 2001

Public Utilities Commission of the State of California

Acme Telephone Company requests approval of the changes in the following tariff schedules applicable to its (describe service).

Cal P.U.C. Sheet No.	Title of Sheet	Canceling Cal. P.U.C. Sheet No.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The effective date of the tariff schedules is requested to be _____.

(These tariff changes are being submitted pursuant to D._____, dated _____ in A._____, (or) Resolution _____, dated _____.)

Notice has been provided as required by GO 96. The Service List is attached to this Advice Letter (or "This Advice Letter was served on the same parties as Advice Letter #_____, dated _____.")

STANDARD PROTEST STATEMENT

Anyone may protest this advice letter to the California Public Utilities Commission. The protest must set forth the specific grounds on which it is based, including such items as financial and service impacts. A protest must be made in writing and received within 20 days of the date this filing appears on the Commission's Daily Calendar. A copy must be mailed to the Utility on the same date it is mailed or delivered to the Commission. The address for mailing or delivering a protest to the Commission is:

Telecommunications PAL Coordinator,
California Public Utilities Commission
505 Van Ness Avenue, Room 3251
San Francisco, CA 94102-3298

Inquiries concerning this advice letter and service of any protest may be made to:

Name of Designated Individual
Title
Telephone Number
Mailing Address)

This is a Tier (1, 2, or 3) filing; for further information on Notice, Protest, Disposition, and Appeal processes for this filing, consult Commission General Order 96-B and the Telecommunications Industry Rules.

TYPICAL WORDING TO OFFER NEW SERVICE

This filing provides a new service not previously offered or furnished. This filing will not increase any rate or charge, cause the

APPENDIX C

withdrawal of service, or conflict with other schedules or rules. It is desired that this filing become effective on regular notice (Tier 2) 40th calendar day after the filed date. (If longer than regular notice, specify the desired effective date.)

(Include a brief description of the new service.)

TYPICAL WORDING FOR AN INCREASE IN RATES (COMPLIANCE)

These tariff schedules are submitted pursuant to Decision No. _____, dated _____, in Application No. _____, dated _____.
(or) Resolution _____, dated _____. which states:
(cite ordering paragraph from decision or resolution).

TYPICAL WORDING FOR A DECREASE IN RATES

This filing covers a reduction in the rate for (telephone service - give full details) in the _____ service area. There are no increases involved in this filing nor will it result in withdrawal of any service or conflict with other schedules or rules. It is desired that this decrease become effective on regular notice (Tier 1) one day after filed (or, on a later date as specified).

APPENDIX C

Exhibit E

CALIFORNIA PUBLIC UTILITIES COMMISSION
--

TELECOMMUNICATIONS
PROPOSAL, ADVICE LETTER, AND INFORMATION-ONLY
FILING SUMMARY

Company name: _____

Type of utility:

☐ ILEC ☐ IEC ☐ IER

☐ CLC ☐ CLR ☐ CMRS

CPUC utility ID: _____

Contact Person:

Name: _____

Phone: _____

● EXPLANATION OF TYPE OF UTILITY

ILEC = Incumbent Local Exchange Carrier
IEC = Interexchange Carrier
IER = IEC Reseller only
CLC = Competitive Local Carrier
CLR = CLC Reseller only
CMRS = Commercial Mobile Radio Service

Specify: proposal, advice letter, or information-
only filing _____

Your filing number: _____

➤ If Proposal was previously submitted, indicate number: _____

Authorization for filing? (e.g., decision, resolution, legislation number): _____

Effective date requested: _____ | Estimated annual effect on revenue: \$ _____

Number of tariff sheets: _____

Tariff schedules affected (list): _____

Subject of filing: _____

FOR CPUC OFFICE USE ONLY

APPENDIX C

(END OF APPENDIX C)